Mr. Sankara Menon.—I beg to move an amendment to the amendment proposed. I am not for expunging the Explanation in the Bill which has been taken from the German Code. It appears to me to be a comprehensive enunciation of the guiding principle. The best course is to retain this Explanation and have the suggested Explanations entered as subsidiary paras by way of illustrating the main dictum.

Seconded by Mr. Kuruvila.

Carried *nem con.*

Resolved that the Bill be read again at a future meeting.

EVIDENCE BILL.

Mr. Prince.—The next business on the agenda is the discussion of the principle of the Evidence Bill. I do not think I need enter into any lengthy remarks at this stage. All that has to be said is contained in the 'Objects and Reasons' attached to the Bill. I now beg to move that the principle of the Bill be affirmed.

Mr. Sankara Menon.—I hear that on a previous occasion a Bill of this sort was introduced by Mr. Rajarama Row and when it was referred to the High Court, the Judges are said to have observed that they did not feel the necessity for such a measure. I have not seen their opinion. The sole purpose of a measure, such as this, being to aid those who administer justice in the land, the Judges of the High Court are the most competent to express an opinion as to the necessity and serviceability of the Bill and their opinion ought certainly to guide us more than anything else in its consideration. I do not know if their opinion was taken as regards this Bill. If so, it is not circulated. I therefore propose that the discussion of the principle of the Bill be adjourned till after the opinion of the High Court is circulated among the members. I may add that my learned friend the mover has no objection to my suggestion.

Resolved accordingly.

DEPARTMENTAL ENQUIRIES BILL.

Mr. Krishnaswamy Rao.—The Departmental Enquiries Bill which was introduced at the last ordinary meeting is put down for the next formal stage. Having regard to the fact that the present Bill is virtually a portion of the Bill superseded which underwent thorough discussion by the Council, and the fact that the fuller measure is to be dropped mainly on the ground that the parts to be omitted have become superfluous in view of codified rules on the subject since passed by Government, I think it hardly necessary to have any fresh discussion of the principle or even to refer the Bill to a Select Committee. I would, with the permission of the President, have the Bill taken up for consideration at once. But as the members have not apparently had notice it may be deferred to the next meeting.

Resolved accordingly.

WILLS BILL.

Mr. Krishnaswamy Rao.—As resolved at the last meeting the Bill as further revised by the Council has been before the public and I beg to move that it be read on a future day of which notice shall be given.

The motion was put and agreed to.

ABKARI REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—I am sorry that the Select Committee's Report could not be circulated in sufficient time for taking it up now. I would therefore simply present the Report formally and move that it be taken into consideration at an early date.

The motion was put and agreed to.

NEGOTIABLE INSTRUMENTS BILL.

Mr. Kuruvila.—In the interests of the development of the commercial prosperity of the country, I beg to ask for leave to introduce a Bill for defining the law relating to Negotiable Instruments.

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In the towns of Nagercoil, Trivandrum, Quilon, Alleppey and Kottayam, we have several respectable Hundi merchants who use inland instruments as the circulating medium for the wealth engaged in the internal trade of the country. In Alleppey, our chief port, we have as the mainstay of our foreign trade, a branch of the Madras Bank which issues letters of credit and draft on all the important seats of merchandize in India, Burmah and Ceylon, and which also negotiates any foreign approved Bill of Exchange.

Considering the extent of mercantile business carried on in the State through Negotiable Instruments, I think it is time for the Legislature to encourage and support trade by a definition of the obligations arising out of contracts connected with such Instruments. I need not remind this meeting that the interests of the producer and distributor are interdependent and that not only commerce but agriculture too would be benefited by the measure. The Bank and the Hundi merchants are really the treasuries of the public and it is the interest of the banker as well as of the depositor to see that the dealings of these treasuries are conducted on established principles and that they are protected by definite rules. It is very essential for the safety of those who risk their credit or property in commercial dealings based on Negotiable Instruments that there must be a law regulating the rights and duties of those who deal with such Instruments, such as the liability of the drawer of a bill to compensate the holder in case of dishonor; the liability of the drawee of a cheque to compensate the drawer for default of payment; &c. The law should also define what constitutes dishonor and what notice of dishonor is sufficient and such other matters peculiar to these mercantile transactions and should also provide for noting and protesting Instruments to counteract mischievous attempts at evasion of responsibilities. To leave these rights and duties to the unaided discretion of the Courts or to the vague customs of individual localities is prejudicial to commercial activity and would make merchandize an adventure. As to the nature of the Bill, I think it should be on the lines of the British Indian Act; as it is evident that, if our trade is to fully appropriate the privileges open to our country as a member of the Indian Empire, there should be an assimilation of the mercantile customs, obligations and conveniences here with those current in the main body of the Empire. This is not the time to go into details; but I trust I have said enough to convince you of the necessity and usefulness of the proposed measure and I therefore solicit the kind permission of the Council to introduce the Bill.

Leave was granted accordingly.

The Council adjourned at 6-15 P. M.

SHUNGRASOOBYER,
President.

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